

Formal Amendments—written changes or additions that become part of the Constitution

1. Formal Amendment Process

- A. Amendment may be proposed by 2/3 vote in each house and be ratified by $\frac{3}{4}$ of state legislatures—26 Amendments adopted
- B. Amendment may be proposed by congress (2/3 vote), ratified by $\frac{3}{4}$ of specially called state conventions. 21st Amendment
- C. Amendment may be proposed by a national convention called by congress at the request of 2/3 of the state legislatures and ratified by $\frac{3}{4}$ of state legislatures.
- D. Amendment may be proposed by a national convention called by congress at the request of 2/3 of the state legislatures and ratified by $\frac{3}{4}$ of state conventions

2. Amendments

- A. **Bill of Rights**—First 10 Amendments—proposed by the first congress in 1789 and ratified by the states in 1791. Thomas Jefferson and others agreed to only support the Constitution if there was a listing of basic rights held by the people.
- B. 17 amendments followed at various time in history, which were usually brought upon by a particular set of circumstances
- C. 10,000 resolutions calling for an amendment have been proposed but only 33 have been sent to the states for consideration.

Section 3

Informal Amendment Process--Constitutional Change by other Means

- 1. **Basic Legislation**—Congress can add provisions not specifically written in Constitution—example—setting up the court system. Congress also has the expressed powers to regulate foreign and interstate commerce.
- 2. **Executive Action**—President is Commander in Chief and has used the armed forces in war numerous times (congress declares war). Executive Agreement—informal treaty between President and leader of another country.
- 3. **Court Decisions**—interpret and apply the constitution. Marbury v Madison
- 4. **Party Practices**—political parties have led to constitutional change by our election process (caucus/primary, national convention, electoral college), congress conducts business based on party lines, appointments are made based on party
- 5. **Custom**—cabinet—15 heads of department make up an advisory body to the President. Presidential succession is not defined. 2 terms of President—until 22nd Amendment.